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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,676	09/12/2005	Javaan Singh Chahl	529172000800	9235

25226 7590 12/16/2008
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3664

MAIL DATE	DELIVERY MODE
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12/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/521,676	CH AHL ET AL.	
	Examiner	Art Unit	
	Dalena Tran	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,33-46,53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25,33-46,53-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10521676	9/12/05	CHAHN ET AL.	529172000800

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EXAMINER

Dalena Tran

ART UNIT	PAPER
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3664	20081214
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Art Unit: 3664

DETAILED ACTION

Notice to Applicant(s)

1. This office is responsive to the amendment filed on 10/9/08. As per request, claims 1-2, 4-6, 8, 10-17, 19-20, 24-25, 33-44, and 53-54 have been amended. Claims 1-25, 33-46, and 53-54 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-25, 33-46, and 53-54, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, and 33, it is unclear as to what type of data (vehicle velocity or position or attitude or acceleration) represents "first, second, and third data set", also, what type of sensor represents "first and second sensors". Also, in step (c) "modifying said second data set", it is unclear as to what is the purpose of modifying second data set, and why this second data set need to be modified, and why not modifying first data set.

As per claims 4, and 36, it is unclear, as to what "a predetermined factor K" represents in lines 2-3.

Claims 2-16, and 34-40, are depended on claims 1, and 33 above, they are included the limitation rejected as claims 1, and 33 above.

As per claims 17, and 41, line 6, the limitation "first sub-region substantially above and including a horizon", and also in line 7, the limitation "second sub-region substantially below

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and including the horizon”, it is unclear, as to above what, below what, and what is that means “including a horizon”. Also, it is unclear as to what type of data (vehicle velocity or position or attitude or acceleration) represents "first, second, and third data set", also, what type of sensor represents "first and second sensors" in the claims. Also, in step (c) “modifying said second data set”, it is unclear as to what is the purpose of modifying second data set, and why this second data set need to be modified, and why not modifying first data set.

Claims 18-25, and 42-46, are depended on claims 17, and 41 above, they are included the limitation rejected as claims 17, and 41 above.

As per claims 53-54, lines 3-4, it is unclear as to what type of data (velocity or position or attitude or acceleration) being measured in “a first and second measurement”, and what is that mean “processing at least on of said first and second measurement with respect to each other” in the claim.

Clarification and explanation is required for all of the above.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 53-54, are rejected under 35 U.S.C.102(b) as being anticipated by Kelley (5168152).

As per claims 53-54, Kelly discloses a method for controlling an attitude of a vehicle said method including the steps of: taking a first measurement in a first spectral band; taking a second

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measurement in a second spectral band (see column 2, lines 13-57; and column 3, lines 20-60); processing at least one of said first and second measurements with respect to each other; and producing a control signal as a result of said processing step to control said attitude of said vehicle (see the abstract; and columns 3-4, lines 61-59).

Remarks

5. Applicant's argument filed on 10/9/08 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above.

Claims 1-25, 33-46, are rejected under 35 U.S.C. 112, second paragraph as above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-W (in a first week of a bi-week), and T-R (in a second week of bi-week) from 7:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dalena Tran/

Primary Examiner, Art Unit 3664

December 14, 2008

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